

**REMARKS****Claim Rejections Under 35 U.S.C. § 102**

Claim 9 was rejected under 35 U.S.C. § 102(b) as being anticipated by Johnson (U.S. Patent No. 4,222,274). Applicant once again traverses this rejection, and respectfully submits that the Office Action has mischaracterized the Johnson reference. It is clear from a reading of Johnson that it is directed specifically and exclusively to internal imaging, as it is discussed in columns 1 and 2 thereof. The invention is directed to providing non-invasive diagnostics for internal imaging. All of the references to imaging in Johnson refer to internal imaging. All of the images taken and used in Johnson are for internal imaging. There is no mention or use of any external imaging as such imaging is used in the present claim 9. In fact, the Office Action explicitly admits that Johnson does not have a system adapted to gather external feature data of an object (see Page 3 of Office Action). Since this is clearly admitted, the Office Action cannot support its assertion that Johnson is usable for external imaging. Claim 9 is clearly allowable.

Claims 10-12 and 24-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Seo et al. (U.S. Patent No. 6,685,644). Applicant once again traverses this rejection, and respectfully submits that the Office Action has mischaracterized the Seo et al. reference. It is clear from a reading of Seo et al. that it is directed specifically and exclusively to internal imaging. All of the references to imaging in Seo et al. refer to internal imaging. All of the images taken and used in Seo et al. are for internal imaging. All of the probes are used for internal imaging. There is no mention or use of any external imaging as such imaging is used in the present claims 10 or 24. Further, the Office Action is interpreting the present claims without referring to the specification for their determination of the meaning of external in the present claims. It is clear from a reading of the claims and the specification of the present application that when the term “external” is used in the claims, it is referring to the outside of a body, that is the portion that is fully outside and exposed to the atmosphere or the like. “External” as it is used is clearly the external features at the outside extent of the limits of the item, that is the outermost portion thereof. In contrast, Seo et al. is solely directed to imaging the internal features of a body. The assertion of the Office Action that Seo et al. is capable of imaging surface features of the breast is wholly unsupported. The entire purpose and operation of the apparatus of Seo et al. is that of internal imaging. Still further, the present claims 10 and 24 are method claims, and their methods recite “obtaining a three dimensional

internal image of an object” and “obtaining a three dimensional external image of the object.” The obtaining of an external image of the object as that phrase should be construed based on an interpretation of the claims and the specification is not present in Seo et al. Seo et al. does not such obtaining of any external image as it is defined in the present application. Since such imaging is not present in Seo et al., claims 10 and 24 are allowable. Claims 11-12 and 25-26 depend from and further define one of patentably distinct claims 10 or 24 and are also believed allowable.

*Claim Rejections Under 35 U.S.C. § 103*

Claims 1-2, 13-14, 16, and 18-23 as amended were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson (U.S. Patent No. 4,222,274) in view of Teboul (U.S. Patent No. 5,709,206). Applicant traverses this rejection. Applicant has already shown above that Johnson is solely directed to internal imaging and non-invasive ultrasound imaging of internal aspects of an object. The gathering of external features of an object (as is recited in claims 1, 13, 18, and 19 is simply not contemplated in Johnson et al., as is admitted by the Office Action. Teboul, despite the Office Action’s assertion to the contrary, provides no such external imaging. Reviewing the abstract of Teboul clearly shows that the Teboul invention is directed toward “processing a plurality of ultrasound images of ductolobular systems *in a breast*” (emphasis added). Any external features, as they are contemplated by the present claims, are provided in Teboul by templates. Teboul does not take an external image. It uses a template. No combination of Johnson and Teboul provides or suggests the subject matter of the present claims. Claims 1, 13, 18, and 19 are allowable. Claims 2, 14, 16, and 20-23 depend from and further define one of patentably distinct claims 1, 13, or 19, and are also believed allowable.

Claims 3 and 7 as amended were rejected under 35 U.S.C. § 103(a) as being obvious over Seo et al. (U.S. Patent No. 6,685,644) in further view of Hossack (U.S. Patent No. 6,423,002). Applicant traverses this rejection. Seo et al. has been discussed extensively above with respect to the rejection of claims 10-12 and 24-26, and the analysis applied therein applies equally well to the rejection of claims 3 and 7. Both of the imaging devices of Seo et al. are clearly directed to the imaging of internal features of an object, as is recited clearly and unambiguously throughout the entire disclosure of Seo et al. No combination of external features with anything is made in Seo et al. because Seo et al. does not do any external imaging. Hossack adds nothing further to the analysis, as the same arguments apply

equally to it. The external imaging of internal features is not the same as the external imaging of the external features of the present claims. A reading of the specification of the present application clearly shows that external imaging is not that of internal features, but of the outer surface of an object being imaged. The rejection cannot stand. Claim 7 depends from and further defines patentably distinct claim 3, and is also believed allowable.

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Seo et al. (U.S. Patent No. 6,685,644) in view of Hossack (U.S. Patent No. 6,423,002) further in view of Johnson (U.S. Patent No. 4,222,274) or Dick et al. (U.S. Patent No. 4,233,988). Once again, Applicant traverses this rejection. Claims 4-5 depend from and further define patentably distinct claim 3, and are also believed allowable.

Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Seo et al. (U.S. Patent No. 6,685,644) in view of Hossack (U.S. Patent No. 6,423,002) and further in view of Martin et al. (U.S. Patent No. 6,275,722). See the discussion of Seo et al. numerous times above for the arguments preventing Seo et al. from its use herein as a proper rejecting reference. Claims 3 and 6 are allowable.

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the references applied to claim 3 above, and further in view of Desai (U.S. Patent No. 5,433,198). Claim 8 depends from and further defines patentably distinct claim 3 and is also believed allowable.

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson (U.S. Patent No. 4,222,274) in view of Teboul (U.S. Patent No. 5,709,206) as applied to claim 13 above, and further in view of Martin et al. (U.S. Patent No. 6,275,722) for reasons analogous to that set forth above. Claim 15 depends from and further defines patentably distinct claim 13, and is also believed allowable.


Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson (U.S. Patent No. 4,222,274) in view of Teboul (U.S. Patent No. 5,709,206) further in view of Martin et al. (U.S. Patent No. 6,275,722) as applied to claim 15 above, and further in view of Seo (U.S. Patent No. 6,685,644). Claim 17 depends from and further defines patentably distinct claim 13, and is also believed allowable.

**CONCLUSION**

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

Date: 4 Nov. 2005

  
\_\_\_\_\_  
Daniel J. Polglaze  
Reg. No. 39,801

Attorneys for Applicant  
HEWLETT PACKARD COMPANY  
3404 E. Harmony Rd.  
Intellectual Property Administration  
Fort Collins, CO 80527-2400